

HOUSE BILL 721
By Buck

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 11, relative to bail.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-11-133(a), is amended by adding the words "at any place" between the language "undertaking," and the words "either within".

SECTION 2. Tennessee Code Annotated, Section 40-11-139(b), is amended by deleting subdivision (2) and substituting the following:

(2) The surety fails to satisfy the court that appearance and surrender of the defendant are impossible or are not the surety's fault.

SECTION 3. Tennessee Code Annotated, Section 40-11-315(a), is amended by deleting the period (.) at the end of the subsection and adding the following:

or if the court accepts the surrender of the defendant based upon one (1) or more of the grounds set forth in Section 40-11-132.

SECTION 4. Tennessee Code Annotated, Section 40-11-130, is amended by deleting subsections (a) and (b) in their entirety and substituting the following:

(a) Where the defendant in a criminal case executes a bond or recognizance before any court or other person authorized by law to take the same for the defendant's personal appearance before a court to answer a criminal charge, such bond or

recognizance shall be valid and binding upon the defendant and the defendant's sureties thereon until the time allowed by law for the defendant to appeal a finding of guilt to the court of criminal appeals. If the defendant timely appeals, the defendant shall be required to make a new bond to the court of criminal appeals.

(b) If the defendant files a timely appeal with the court of criminal appeals, if the defendant is placed on pre-trial or post-plea diversion or community correction, if the defendant is fined, or if the defendant's sentence is suspended and probation granted, the defendant shall be required to make a new bond or recognizance notwithstanding that the bond or recognizance executed in accordance with subsection (a) has not yet terminated.

SECTION 5. Tennessee Code Annotated, Section 40-11-201, is amended by adding the following new subsections:

(d) If the principal is in another jurisdiction and an extradition request has been denied, then the surety shall be relieved of liability on the bond.

(e) After a principal forfeits, the forfeited bail bond shall not be reinstated without the written agreement of the surety.

SECTION 6. Tennessee Code Annotated, Section 40-11-301, is amended by adding the following new subsections:

(e) "Capacity" is the total amount of bail, expressed in dollars, on which a professional bondsman may act as surety.

(f) "Available capacity" is a professional bondsman's capacity reduced by the total amount of bail, expressed in dollars, which the professional bondsman has outstanding and from which the professional bondsman has not been released.

(g) "Equity in real estate" is determined by taking the fair market value of the real estate and subtracting from that value all outstanding liens and encumbrances. For

purposes of establishing fair market value, either the county property assessor's appraisal or an opinion of value from a licensed real estate broker may be used.

SECTION 7. Tennessee Code Annotated, Section 40-11-302, is amended by adding the following new subsection:

(e) A professional bondsman's capacity, in those judicial districts where a professional bondsman uses collateral pledged with the court to underwrite bonds written by the professional bondsman, shall be determined as follows:

(1) Where the collateral pledged is cash, or an item readily converted to cash such as a certificate of deposit, the professional bondsman's capacity shall be ten (10) times the amount of the collateral pledged.

(2) Where the collateral pledged is equity in real estate, the professional bondsman's capacity shall be ten (10) times the value of the equity pledged as collateral.

SECTION 8. This act shall take effect upon becoming a law, the public welfare requiring it.